

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.#: Comprehensive Plan Conformity No. 02005
NE of I-80 and Oak Creek Conservation Easement

Date: August 2, 2002

PROPOSAL: Request by Interstate Land, L.L.C., to find that the acquisition of a permanent conservation easement over approximately 4.09 acres of delineated wetlands on property generally located northeast of the intersection of I-80 and Oak Creek conforms with the 2025 Comprehensive Plan.

LAND AREA: 4.09 acres more or less.

CONCLUSION: The proposed easement will protect the delineated wetlands and is not an obstacle to any planned action. Acquisition of the conservation easement by the City of Lincoln is in conformance with the Comprehensive Plan and directly supports several goals of the Plan.

<u>RECOMMENDATION:</u>	In conformance with the Comprehensive Plan.
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GENERAL INFORMATION:

LEGAL DESCRIPTION: An approximately 4.09 acre area located in the SW 1/4 of Section 15, T10N, R6E and in the SE 1/4 of Section 16, T10N, R6E of the 6th PM., Lancaster County, Nebraska (metes and bounds description attached).

LOCATION: Northeast of the intersection of I-80 and Oak Creek just north of Capitol Beach.

APPLICANT/: Interstate Land, L.L.C.
OWNER

CONTACT: Reed Schwartzkopf
ESP, Inc.
601 Old Cheney Road Suite A
Lincoln, NE 68512

EXISTING ZONING: I-1 Industrial District

EXISTING LAND USE: Wetlands, Agruculture

SURROUNDING LAND USE AND ZONING:

North:	I-1 Industrial	Agriculture, with a utility substation and commercial approximately 1,000' to the north.
South:	R-2 Residential	Residential (Capitol Beach)

East:	I-1 Industrial	Agriculture
West:	I-1 Industrial	Agriculture

ASSOCIATED APPLICATIONS: None.

COMPREHENSIVE PLAN SPECIFICATIONS: The Land Use Plan designates this area roughly bounded by I-80, Cornhusker Highway, Northwest 4th Street, and Oak Creek as Industrial. The following references from the 2025 Comprehensive Plan are applicable:

- Comprehensive Plan Vision - Environmental Stewardship, Page F55.
- Core Resource Imperatives, Page F59 - 'Saline and Freshwater Wetlands'.
- The Greenprint Challenge Implementation Principles 1-4, Page F62 - 1. Seek early identification of areas to be preserved; 2. Obtain reasonably constrained regulations; 3. Provide biological interconnection; 4. Promote diversity of vegetation.
- The Greenprint Challenge Implementation Strategy Environmental Resources Features, Page F63 - Wetlands: Saline and Fresh Water

UTILITIES: This area is within the future urban service area shown in the Comprehensive Plan and utilities are generally available.

TOPOGRAPHY: Generally flat across the easement area.

REGIONAL ISSUES: Preservation of wetlands, and potential development in an area that contains wetlands, a creek and a lake.

ENVIRONMENTAL CONCERNS: Preservation of wetlands, and maintenance of the natural habitat and water quality in adjacent water features.

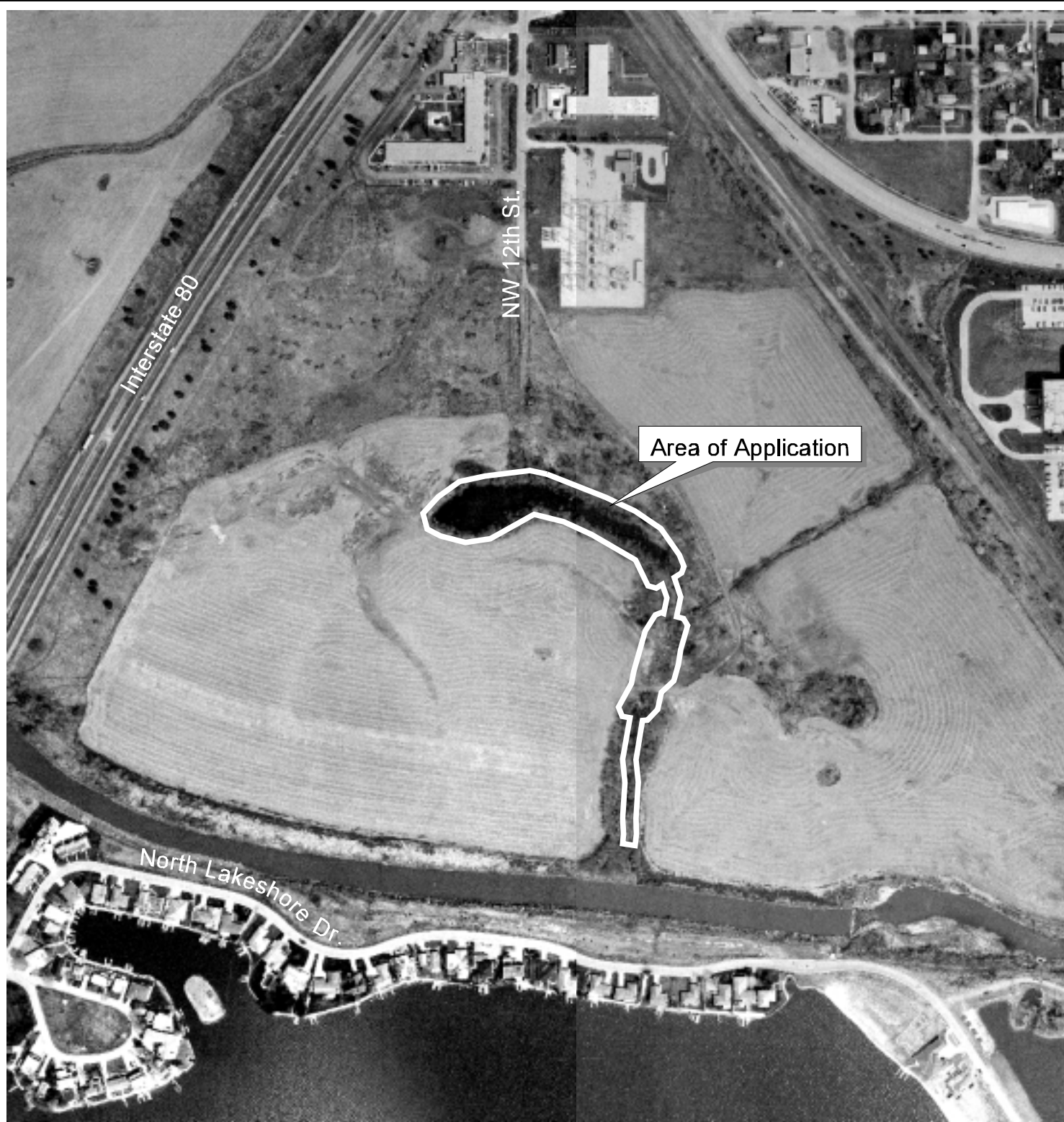
ANALYSIS:

1. The Nebraska state 'Conservation and Preservation Easement Act' (NE State Statute 76-2000-112 requires that the acquisition of conservation easements be referred to the local planning commission having jurisdiction over the properties for approval prior to the acquisition. Planning Commission action is final. Therefore, prior to the filing of a conservation easement with the Register of Deeds, the Planning Commission must find that the acquisition of an easement is in conformance with the Comprehensive Plan.

2. The purpose of this Comprehensive Plan Conformity item is to determine whether a permanent conservation easement is in conformance with the Comprehensive Plan.
3. The applicant has applied to the Army Corps of Engineer's for a 404 permit to allow modifications to the Oak Creek channel that will remove areas of the applicants land from the floodway. It is a requirement of the 404 permit that a conservation easement over the area shown be granted to the City prior to approval.
4. The wetlands on this site occupy an area formed by an oxbow in the former Oak Creek channel. The intent of the conservation easement is to preserve the wetlands in their present state, and reduce the impact of future development.
5. During a site visit to the area, City staff identified conditions within the delineated area that do not comply with the terms of the conservation easement agreement. These items include felled trees and baled hay within the delineated easement area, and stands of noxious weeds that may require removal and re-seeding with native plants. The City can and may require these items to be corrected prior to acceptance of the agreement.
- 6, The City of Lincoln can accept the conservation easement after the Planning Commission determines the easement conforms to the Comprehensive Plan.

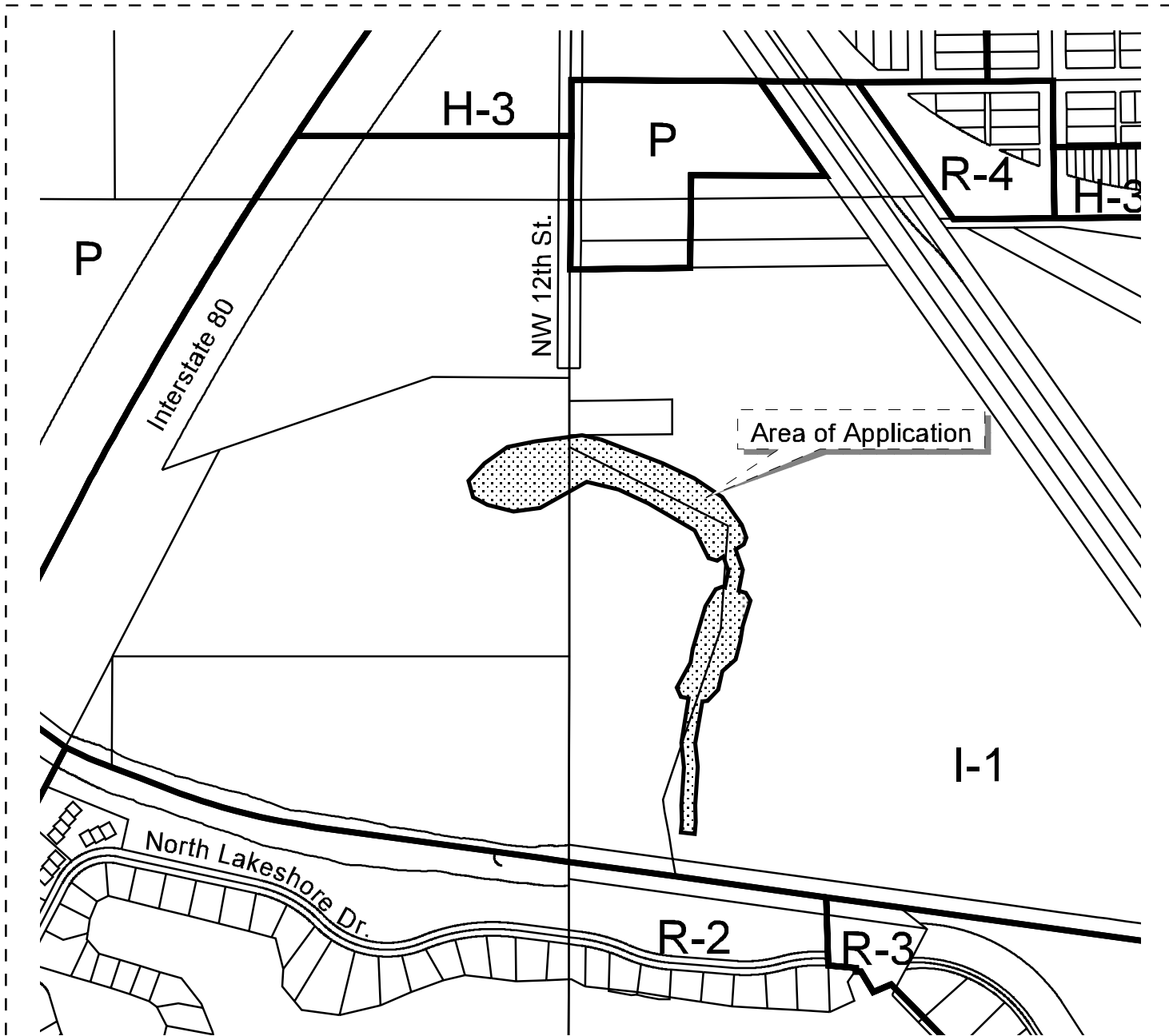
Prepared by:

Brian Will, AICP
Planner



Comp. Plan Conformance #02005
NE of I-80 and Oak Creek





Comp. Plan Conformance #02005 NE of I-80 and Oak Creek

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

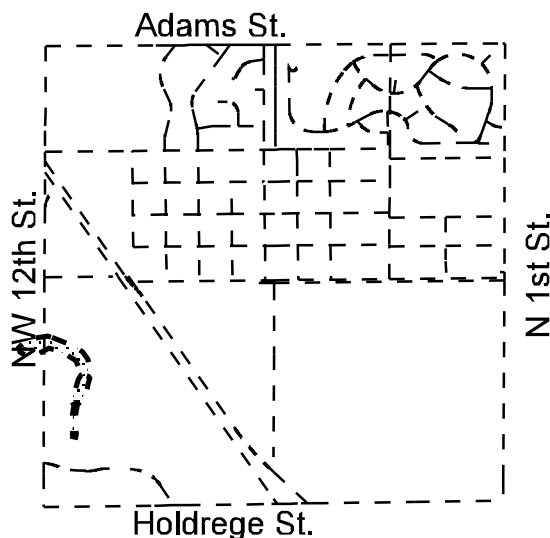
One Square Mile
Sec. 15 T10N R6E

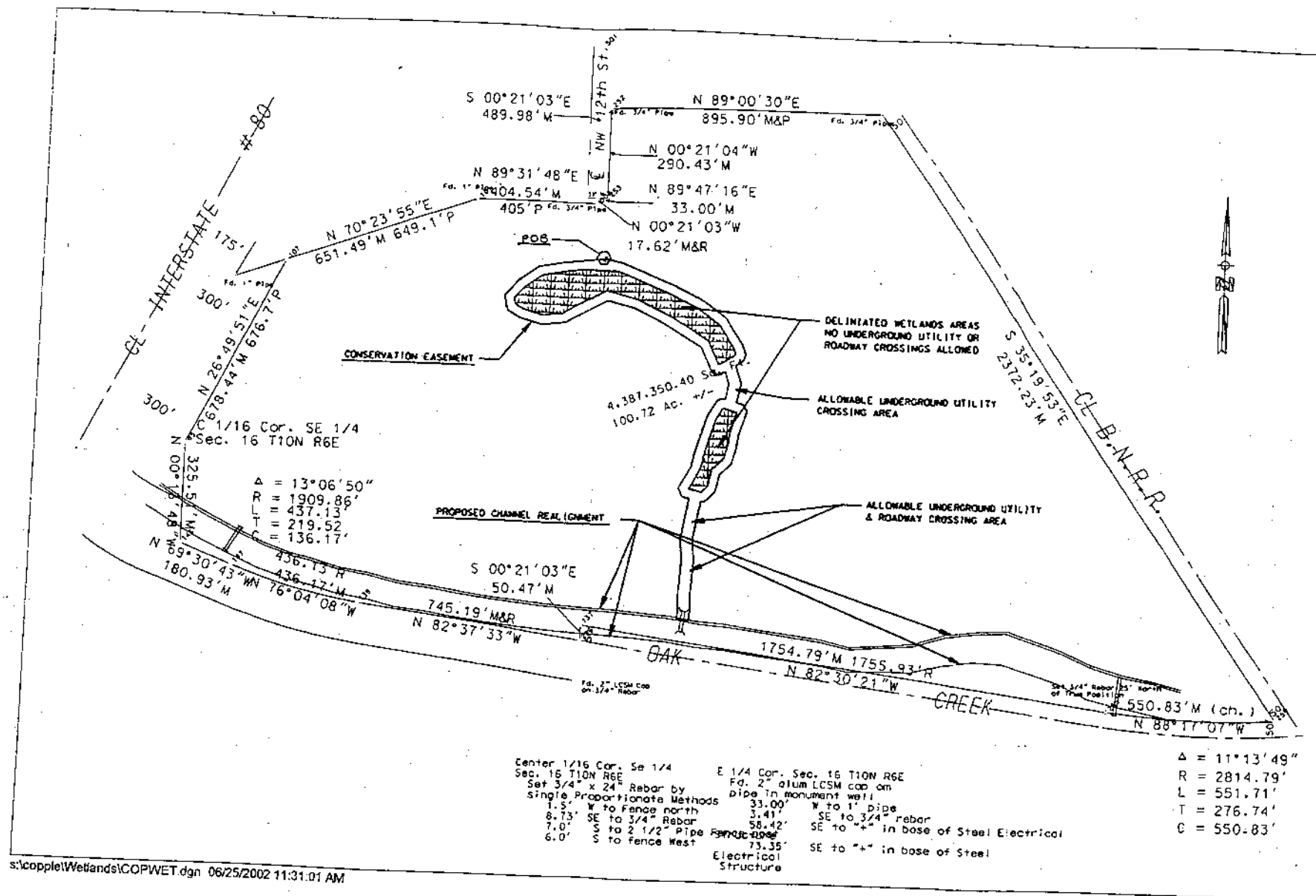


Zoning Jurisdiction Lines



City Limit Jurisdiction





Revised Conservation Easement (Originally Filed December, 2001)

Interstate Land; Lincoln, NE

June 25, 2002

A tract of land for Conservation Easement purposes consisting of parts of Lots 14, 44, and 45, all of Irregular Tracts, in the Southwest Quarter of Section 15, Township 10 North, Range 6 East, and Lot 38 and 49, of Irregular Tracts, located in the Southeast Quarter of Section 16, Township 10 North, Range 6 East, of the 6th Principal Meridian, Lancaster County, Nebraska, having been originally filed with Lancaster County, Nebraska, in December, 2001, including an original 2.80 acres, more or less, and being herein revised to include the additional area required by the U. S. Army Corps of Engineers, being more particularly described by metes and bounds as follows:

Commencing at the East $\frac{1}{4}$ corner of Section 16, Township 10 North, Range 6 East, of the 6th Principal Meridian, Lancaster County, Nebraska; Thence South $00^{\circ} 21' 03''$ East on the East line of the Southeast Quarter of Section 16, a distance of 489.98 feet to a point on the South line of Northwest 12th Street; Thence North $89^{\circ} 47' 16''$ East on the South line of Northwest 12th Street a distance of 33.00 feet, to a point on the East Right of Way of Northwest 12th Street; Thence South $00^{\circ} 21' 03''$ East a distance of 196.43 feet, to the POINT OF BEGINNING; Thence South $82^{\circ} 59' 25''$ West a distance of 138.66 feet; Thence South $77^{\circ} 59' 18''$ West a distance of 83.03 feet; Thence South $54^{\circ} 08' 35''$ West a distance of 81.32 feet; Thence South $42^{\circ} 41' 19''$ West a distance of 69.37 feet; Thence South $14^{\circ} 56' 00''$ East a distance of 49.79 feet; Thence South $62^{\circ} 20' 16''$ East a distance of 47.95 feet; Thence South $75^{\circ} 47' 09''$ East a distance of 78.86 feet; Thence North $81^{\circ} 41' 45''$ East a distance of 78.17 feet; Thence North $61^{\circ} 04' 43''$ East a distance of 155.75 feet; Thence South $76^{\circ} 20' 11''$ East a distance of 94.52 feet; Thence South $65^{\circ} 12' 08''$ East a distance of 95.41 feet; Thence South $59^{\circ} 54' 45''$ East a distance of 157.84 feet; Thence South $25^{\circ} 57' 47''$ East a distance of 89.17 feet; Thence South $73^{\circ} 31' 19''$ East a distance of 26.44 feet; Thence North $58^{\circ} 55' 09''$ East a distance of 22.18 feet; Thence South $18^{\circ} 45' 37''$ East a distance of 43.57 feet; Thence South $11^{\circ} 18' 10''$ West a distance of 49.06 feet; Thence North $74^{\circ} 51' 18''$ West a distance of 8.53 feet; Thence South $68^{\circ} 14' 13''$ West a distance of 20.02 feet; Thence South $31^{\circ} 19' 44''$ West a distance of 58.85 feet; Thence South $16^{\circ} 17' 35''$ West a distance of 130.38 feet; Thence South $10^{\circ} 33' 01''$ West a distance of 38.92 feet; Thence South $28^{\circ} 42' 09''$ West a distance of 83.20 feet; Thence South $24^{\circ} 16' 41''$ East a distance of 29.90 feet; Thence South $77^{\circ} 15' 31''$ East a distance of 23.72 feet; Thence South $9^{\circ} 39' 41''$ West a distance of 130.78 feet; Thence South $5^{\circ} 48' 50''$ East a distance of 72.34 feet; Thence South $3^{\circ} 42' 22''$ West a distance of 111.20 feet; Thence South $2^{\circ} 49' 31''$ East a distance of 48.00 feet; Thence South $6^{\circ} 39' 25''$ West a distance of 30.33 feet; Thence South $81^{\circ} 39' 23''$ East a distance of 40.19 feet; Thence North $6^{\circ} 39' 25''$ East a distance of 34.83 feet; Thence North $2^{\circ} 49' 31''$ West a distance of 49.04 feet; Thence North $3^{\circ} 42' 22''$ East a distance of 112.24 feet; Thence North $5^{\circ} 48' 50''$ West a distance of 70.23 feet; Thence North $9^{\circ} 39' 41''$ East a distance of 123.20 feet; Thence North $81^{\circ} 28' 38''$ East a distance of 15.89 feet; Thence North $44^{\circ} 26' 12''$ East a distance of 44.97 feet; Thence North $11^{\circ} 48' 33''$ East a distance of 54.60 feet; Thence North $47^{\circ} 39' 01''$ East a distance of 52.34 feet; Thence North $15^{\circ} 12' 11''$ East a distance of 53.21 feet; Thence North $8^{\circ} 56' 19''$ East a distance of 47.36 feet; Thence North $16^{\circ} 21' 35''$ East a distance of 76.77 feet; Thence North $29^{\circ} 14' 51''$ West a distance of 25.23 feet; Thence North $74^{\circ} 51' 18''$ West a distance of 22.36 feet; Thence North $11^{\circ} 18' 10''$ East a distance of 62.49 feet; Thence North $18^{\circ} 45' 37''$ West a distance of 63.05 feet; Thence North $58^{\circ} 55' 09''$ East a distance of 27.57 feet; Thence North $18^{\circ} 46' 56''$ East a distance of 21.92 feet; ; Thence North $21^{\circ} 21' 16''$ West a distance of 38.81 feet; Thence North $35^{\circ} 02' 38''$ West a distance of 98.84 feet; Thence North $55^{\circ} 50' 27''$ West a distance of 97.73 feet; Thence North $64^{\circ} 42' 29''$ West a distance of 100.79 feet; Thence North $68^{\circ} 41' 48''$ West a distance of 195.34 feet; ; Thence North $78^{\circ} 00' 44''$ West a distance of 55.09 feet; to the POINT OF BEGINNING; Containing a calculated area of 178,367 Square Feet, or 4.09 Acres, more or less.



July 22, 2002

LYLE L. LOTH, P.E./L.S.

Mr. Mike Dekalb
Interim Planning Director
555 South 10th Street, Room 213
Lincoln, NE 68508

Suite A - 601 Old Cheney Road
Lincoln, NE 68512

Phone (402) 421-2500
Fax (402) 421-7096

Email: lyle@espeng.com

RE: Interstate Land
Conservation Easement

Mike,

On behalf of our client, Interstate Land, LLC, I have attached three (3) signed copies of the final Conservation Easement for the above noted project. This document is being provided for your use to place it into the agendas of the Lancaster County Planning Commission and City Council over the coming weeks. According to my discussions with Nichole, this submittal should allow us to gain a place on the Planning Commission agenda for August 21st, 2002, and the City Council agenda for September 9th, 2002.

We have worked with Nicole Fleck-Tooze, the City's Special Projects Administrator, and the U.S. Army Corps of Engineers (COE) to finalize this Easement, and we believe that the Easement now meets or exceeds the expectations of the various reviewing and approving agencies. As such, we do anticipate approval of this document by the County and the City.

We also wanted to take this opportunity to thank the various members of the City Staff who have assisted us in this endeavor. Further, we pledge to continue to work closely with you, Lancaster County, the COE and the various City departments during the remaining development and planning stages of this project. With your help, guidance and assistance, we feel confident that we can look forward to the successful approval of the Preliminary Plat for this project.

Should you have any questions or require additional information, please let me know.

Respectfully,
E-S-P Inc.

Reed O. Schwartzkopf, PE

cc: Jim Sherrets & Marv Copple – Interstate Land LLC
Larry Lewis; Speece-Lewis Engineers
Barb Friskopp – COE

